



HON. SYLVIA O. HINDS-RADIX  
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November 22, 2022

**BY ECF**

Honorable P. Kevin Castel  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Rebecca Margolies v. City of New York, et al., 21 Civ. 10839 (PKC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York assigned to the defense of the above-referenced matter. Defendants write on behalf of the parties to respectfully request a thirty (30) day enlargement of the briefing schedule for plaintiff's fee application in connection with plaintiff's acceptance of defendants' Rule 68 Offer of Judgment, which was set by the Court on October 27, 2022 (ECF No. 40).

As Your Honor is aware, on September 14, 2022, defendants served a Rule 68 Offer of Judgment upon plaintiff, which plaintiff accepted. Accordingly, on October 27, 2022 the Court entered a judgment in this matter and set a briefing schedule for plaintiff's fee application. Pursuant to that briefing schedule, plaintiff's application for attorney's fees would due on November 28, 2022,<sup>1</sup> defendants' opposition would be due on December 19, 2022, and plaintiff's reply would be

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<sup>1</sup> On October 27, 2022, the Court ordered that plaintiff file her motion within 30 days, which would fall on Saturday, November 26, 2022. Accordingly, pursuant to Fed. R. Civ. P. 6(a)(1)(C), plaintiff's motion is due on November 28, 2022.

due on January 3, 2022.<sup>2</sup> The parties, however, have begun settlement discussions in the hopes that they may be able to resolve the issue of attorney's fees and costs without engaging in motion practice. Accordingly, in an effort to avoid motion practice, the parties request a 30 day enlargement of the briefing schedule as set forth below:

- Plaintiff's motion to be filed on or before December 28, 2022;
- Defendant's opposition to be filed on or before January 18, 2023; and
- Plaintiff's reply, if any, to be filed on or before February 1, 2023.

Thank you for your consideration herein.

Respectfully submitted,

/s/ *Andrea Osgood*

Andrea Osgood

Assistant Corporation Counsel

cc: **VIA ECF**

All Counsel of Record

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<sup>2</sup> Plaintiff's reply would be due on January 2, 2023, which is a court holiday. Accordingly, pursuant to Fed. R. Civ. P. 6(a)(1)(C), plaintiff's reply is due on January 3, 2023.